

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GERALD HESTER, on behalf of)	
himself and all others)	
similarly situated,)	
)	
Plaintiff(s),)	
)	2:09-cv-117-RLH-RJJ
vs.)	
)	MINUTES OF THE COURT
VISION AIRLINES, INC.,)	
)	DATED: November 9, 2010
)	
Defendant(s).)	
_____)	

THE HONORABLE ROGER L. HUNT CHIEF UNITED STATES DISTRICT JUDGE
COURTROOM ADMINISTRATOR KANDY CAPOZZI COURT REPORTER HEATHER NEWMAN
COUNSEL FOR PLAINTIFF(S) DAVID BUCKNER; BRETT VON BORKE;
KENNETH HARTMANN; ROSS GOODMAN
COUNSEL FOR DEFENDANT(S) HAROLD GEWERTER

MINUTES OF PROCEEDINGS: **JURY TRIAL (Day Two)**

The Court convenes at 8:38 a.m. Gerald Hester is present. William Acor, President and CEO of Vision Airlines, is also present.

Mr. Mukamal, remaining under oath, resumes the stand and is cross-examined by Mr. Gewerter.

The Court recesses from 10:04 a.m. to 10:25 a.m.

Mr. Buckner further examines **Mr. Mukamal** on redirect. Following further examination on re-cross, the witness is excused.

Mr. Gewerter calls **GERALD HESTER to the stand**. The witness is sworn, examined, cross-examined by Mr. Buckner, further examined on redirect and then excused.

Mr. Gewerter calls **WILLIAM SCOTT ACOR** to the stand. The witness is sworn and examined.

The Court recesses from 12:08 p.m. to 1:30 p.m.

Mr. Acor is cross-examined by Mr. Buckner, further examined on redirect and excused.

DEFENSE RESTS.

IN REBUTTAL: Portions of the video deposition of **JAMES MAGUIRE** are played and an additional segment is read into the record by Mr. Gewerter.

The Court recesses from 1:46 p.m. to 2:18 p.m.

OUTSIDE THE PRESENCE OF THE JURY: Jury instructions are settled on the record. Neither Plaintiffs nor Defendant has any objections to the instructions the Court proposes to give. The Court hears objections from both parties regarding the Court's refusal to give certain instructions. The objections are overruled for the reasons stated on the record.

The Court gives the Jury Instructions.

Closing arguments are given by Mr. Buckner and Mr. Gewerter.

The bailiff is sworn by the Courtroom Administrator and the jury retires to commence deliberations at 3:18 p.m.

The Court directs counsel to leave contact information with the Courtroom Administrator. Counsel waive their presence should it be necessary for the Court to call the jury back into the courtroom, admonish and release them for the day.

The Court recesses at 3:20 p.m. to await the verdict.

A note is received and the Court reconvenes at 5:40 p.m. The jury note is read. Mr. Gewerter objects to the jury being returned to the Courtroom to review the demonstrative chart. Arguments are heard. The objection is overruled.

The jury is returned to the Courtroom at 5:50 p.m., permitted to briefly view the chart and then returned to the Jury Room.

The Court recesses from 5:54 p.m.

Having been notified that the jury has reached a verdict, the Court reconvenes at 6:00 p.m.

The verdict is published by the Courtroom Administrator: **The Jury finds the amount of damages that should be awarded to the Plaintiff Class is \$4,509,268.00.**

The jury is thanked and excused.

IT IS HEREBY ORDERED the exhibits shall be returned to the Plaintiffs to maintain in a proper manner for the required period of time.

The Court adjourns at 6:04 p.m.

LANCE S. WILSON, CLERK
U.S. DISTRICT COURT

BY: /s/ Kandy Capozzi
Courtroom Administrator